

# FLETCHER & SIPPEL LLC

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September 20, 2007

## **VIA FEDERAL EXPRESS**

Mr. Sherman Banker  
Division of Historic Preservation  
Wisconsin Historical Society  
816 State Street  
Madison, Wisconsin 53706-1482

Re: **Ashland Ore Dock**

Dear Sherman:

I enclose the following:

- A. A disc containing plans for the construction of the Ashland Ore Dock.
- B. All three reports produced by Westbrook pursuant to a State of Wisconsin funded feasibility study of the Ashland Ore Dock.
- C. Photographs of the Ashland Ore Dock taken by agents of MVAC when they put together the Determination of Eligibility for the Ashland Ore Dock.
- D. A copy of the Environmental/Historic Report done in this proceeding.
- E. A copy of the Determination of Eligibility form that was completed.
- F. A draft MOA.

In assembling these documents, I have had an opportunity to review them. And having done that, I strongly recommend that we dispense with the HABS/HAER documentation for the timber approach, appurtenances and chutes. The report emphasized significant safety concerns with these items (in particular the chutes) and I have tabbed the pages where these points are made.

In addition, a significant amount of historical documentation has already been created for the Ashland Ore Dock, including excellent black-and-white photos.

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Finally, HABS/HAER documentation is not required. In view of the safety concerns, HABS/HAER documentation should be (and has been in other cases) deemed unnecessary. See ICC Finance Docket No. 31102, Wisconsin Central Ltd.—Exemption Acquisition and Operation—Certain Lines of Soo Line Railroad Company, decision served August 26, 1992.

In this case, given the condition of the chutes, timber approach and appurtenances, and given the risk to other parts of the Ore Dock should these subject items fail, I believe that HABS/HAER documentation should not be undertaken for the chutes, timber approach, and appurtenances. I am also concerned about reaching back out to the ACHP. The ACHP chose not to participate before, and in view of the safety concerns, seeking them out again invites further delay and further risk.

Please carefully consider the concerns I have raised in this letter.

Very truly yours,

  
Michael J. Barron, Jr.  
Attorney for Wisconsin Central Ltd.

MJB: arw

cc: Ms. Victoria Rutson, STB (via Federal Express)